

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

**13-CA-264775**

Date Filed

**8/17/2020**

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer (1) RMC Loop Enterprises, LLC d/b/a McDonald's  (2) McDonald's USA, LLC  As joint employers.		b. Tel. No. (1) (312) 580-0214 (2) (800) 244-6277
d. Address (Street, city, state, and ZIP code) (1) 23 S. Clark St., Chicago, IL 60603 (2) 110 N. Carpenter Street, Chicago, IL 60607		c. Cell No.
e. Employer Representative (1) (b) (6), (b) (7)(C) (2) [REDACTED]		f. Fax No.
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant		g. e-mail
j. Identify principal product or service Fast Food		h. Number of workers employed (1) App. 50; (2) 100,000+

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (a)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since [REDACTED] 2020, Respondent has been reducing the work hours of its employee, (b) (6), (b) (7)(C), in retaliation for [REDACTED] participation in Union and concerted protected activities and in order to discourage [REDACTED] and others from Union membership and support.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
SEIU National Fast Food Workers Union

4a. Address (Street and number, city, state, and ZIP code) 850 W. Jackson Street Chicago, IL 60607	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

Service Employees international Union

## 6. DECLARATION

I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.

/s/ Josiah A. Groff

Josiah A. Groff, Attorney

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich  
Address 8 S. Michigan Avenue, 19th Floor, Chicago, IL 60603

8/17/2020  
Date

Tel. No.  
(312) 372-1361

Office, if any, Cell No.

Fax No.  
(312) 372-6599

e-mail  
jgroff@laboradvocates.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341



Download  
NLRB  
Mobile App

August 18, 2020

(b) (6), (b) (7)(C)

RMC Loop Enterprises, LLC d/b/a McDonald's  
23 S Clark St  
Chicago, IL 60603

(b) (6), (b) (7)(C)

McDonald's USA  
110 N. Carpenter Street  
Chicago, IL 60607

Re: RMC Loop Enterprises, LLC d/b/a  
McDonald's and McDonald's USA, LLC, as  
joint employers.  
Case 13-CA-264775

Dear (b) (6), (b) (7)(C) :

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Christina Mols whose telephone number is (312)353-7608 and email address is [Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov). If this Board agent is not available, you may contact Supervisor Field Examiner Joyce A. Hofstra whose telephone number is (312)353-7609.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of

the facts and a statement of your position with respect to the allegations set forth in the charge by September 1, 2020. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native

August 18, 2020

format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'P. Sung Ohr', written over a horizontal line.

Peter Sung Ohr  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

13-CA-264775

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**RMC LOOP ENTERPRISES, LLC D/B/A  
MCDONALD'S AND MCDONALD'S USA, LLC,  
AS JOINT EMPLOYERS.**

Charged Party

and

**SEIU NATIONAL FAST FOOD WORKERS  
UNION**

Charging Party

**Case 13-CA-264775**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 18, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

RMC Loop Enterprises, LLC d/b/a  
McDonald's  
23 S Clark St  
Chicago, IL 60603

**(b) (6), (b) (7)(C)**

McDonald's USA  
110 N. Carpenter Street  
Chicago, IL 60607

August 18, 2020

Date

Lori A. Brown, Designated Agent of NLRB

Name

*/s/ Lori A. Brown*

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341



Download  
NLRB  
Mobile App

August 18, 2020

SEIU National Fast Food Workers Union  
850 West Jackson Street, Suite 275  
Chicago, IL 60607

Re: RMC Loop Enterprises, LLC d/b/a  
McDonald's and McDonald's USA, LLC, as  
joint employers.  
Case 13-CA-264775

Dear Sir or Madam:

The charge that you filed in this case on August 17, 2020 has been docketed as case number 13-CA-264775. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Christina Mols whose telephone number is (312)353-7608 and email address is [Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov). If this Board agent is not available, you may contact Supervisor Field Examiner Joyce A. Hofstra whose telephone number is (312)353-7609.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.



RMC Loop Enterprises, LLC d/b/a  
McDonald's and McDonald's USA, LLC, as  
joint employers.  
Case 13-CA-264775

- 3 -

August 18, 2020

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a long horizontal stroke.

Peter Sung Ohr  
Regional Director

cc: Josiah A Groff, Esq.  
Dowd, Bloch, Bennett, Cervone,  
Auerbach & Yokich  
8 S. Michigan Ave., 19th Floor  
Chicago, IL 60603

**From:** [Josiah Groff](#)  
**To:** [Mols, Christina](#)  
**Subject:** Re: Case No. 13-CA-264775  
**Date:** Monday, August 31, 2020 9:30:20 PM

---

Hi Christina,

I uploaded the forms. Please call me first (b) (6), (b) (7)(C) Then we can connect (b) (6), (b) (7)(C) to the call.

Yours truly,

JOSIAH A. GROFF

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

Phone 312.372.1361 | Fax 312.372.6599

On Fri, Aug 28, 2020 at 3:14 PM Josiah Groff <[jgroff@laboradvocates.com](mailto:jgroff@laboradvocates.com)> wrote:

Hi Christina,

I will make sure to have the forms filed by (b) (6), (b) (7)(C) .

(b) (6), (b) (7)(C) does not have any documents related to this. Documents do exist, but the Company won't give (b) (6), (b) (7)(C) copies. (b) (6), (b) (7)(C) 'll explain more on (b) (6), (b) (7)(C) and describe what (b) (6), (b) (7)(C) seen.

Yours truly,

JOSIAH A. GROFF

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

Phone 312.372.1361 | Fax 312.372.6599

On Fri, Aug 28, 2020 at 2:30 PM Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)> wrote:

That would work. Please send those to me in advance of the affidavit.

If there are any documents that you or (b) (6), (b) (7)(C) will be submitting for the charge, please e-file those in advance of the affidavit so that we can refer to them if necessary.

Thanks,

Christina Mols

**From:** Josiah Groff <[jgroff@laboradvocates.com](mailto:jgroff@laboradvocates.com)>  
**Sent:** Friday, August 28, 2020 2:28 PM  
**To:** Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)>  
**Subject:** Re: Case No. 13-CA-264775

Let's plan on (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) then.

(b) (6), (b) (7)(C) would like me to be on the call, too. If I complete an appearance and have (b) (6), (b) (7)(C) complete the Designation of Representative form, will that suffice for that?

JOSIAH A. GROFF

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

Phone 312.372.1361 | Fax 312.372.6599

On Fri, Aug 28, 2020 at 2:14 PM Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)> wrote:

(b) (6), (b) (7)(C) would work best. I have another call scheduled for 3:30 that afternoon.

Would (b) (6), (b) (7)(C) be alright?

-Christina Mols

**From:** Josiah Groff <[jgroff@laboradvocates.com](mailto:jgroff@laboradvocates.com)>  
**Sent:** Friday, August 28, 2020 1:28 PM  
**To:** Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)>  
**Subject:** Re: Case No. 13-CA-264775

Hi Christina,

(b) (6), (b) (7)(C) and I are free any time on (b) (6), (b) (7)(C) What suits you?

Yours truly,

JOSIAH A. GROFF

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

Phone 312.372.1361 | Fax 312.372.6599

On Thu, Aug 27, 2020 at 9:12 AM Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)> wrote:

Hello Josiah,

I am free every day (b) (6), (b) (7)(C). Let me know what day works best for the witness.

Best regards,

Christina Mols

**From:** Josiah Groff <[jgroff@laboradvocates.com](mailto:jgroff@laboradvocates.com)>

**Sent:** Wednesday, August 26, 2020 10:25 AM

**To:** Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)>

**Subject:** Case No. 13-CA-264775

Dear Ms. Mols:

Following up on my voice message from earlier this week, I am counsel for the charging party union in this case. The discriminatee, (b) (6), (b) (7)(C) is eager to move this case forward. What is your availability for an affidavit session with (b) (6), (b) (7) I hope to hear from you soon.



Yours truly,

JOSIAH A. GROFF

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

Phone 312.372.1361 | Fax 312.372.6599

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich ([office@laboradvocates.com](mailto:office@laboradvocates.com)). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich accepts no liability for any damage caused by any virus transmitted by this email.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich ([office@laboradvocates.com](mailto:office@laboradvocates.com)). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich accepts no liability for any damage caused by any virus transmitted by this email.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich ([office@laboradvocates.com](mailto:office@laboradvocates.com)). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich accepts no liability for any damage caused by any virus transmitted by this email.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich ([office@laboradvocates.com](mailto:office@laboradvocates.com)). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich accepts no liability for any damage caused by any virus transmitted by this email.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

SEIU National Fast Food Workers Union

and

RMC Loop Enterprises, LLC d/b/a McDonald's and  
McDonald's USA

CASE 13-CA-264775

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

**(b) (6), (b) (7)(C)** \_\_\_\_\_

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Josiah A. Groff

MAILING ADDRESS: Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich  
8 S. Michigan, Suite 1900, Chicago, IL 60603

E-MAIL ADDRESS: jgroff@laboradvocates.com

OFFICE TELEPHONE NUMBER: (312) 372-1361

CELL PHONE NUMBER: \_\_\_\_\_ FAX: (312) 372-6599

SIGNATURE: \_\_\_\_\_

(Please sign in ink.)

DATE: \_\_\_\_\_

8/31/20

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

FORM NLRB-4943  
(9-12)

**National Labor Relations Board**  
**NOTICE OF DESIGNATION OF ATTORNEY**  
**OR REPRESENTATIVE**

SEIU National Fast Food Workers Union

and

RMC Loop Enterprises, LLC d/b/a McDonald's  
and McDonald's USA,

CASE NO.

**13-CA-264775**

To: Regional Director,

I, Josiah A. Groff, the undersigned, hereby designate(b) (6), (b) (7)(C), whose name and address appear below,

as my attorney/representative in this proceeding.

This designation shall remain valid until a written revocation of it, signed by me, is filed with the Board.

FULL NAME OF WITNESS

(b) (6), (b) (7)(C)

DocuSigned by:

(b) (6), (b) (7)(C)

SIGNATURE OF WITNESS (please sign in ink)

(b) (6), (b) (7)(C)  
2020

DATE

NAME OF ATTORNEY/REPRESENTATIVE

Josiah A. Groff

☒ REPRESENTATIVE IS AN ATTORNEY

MAILING ADDRESS

8 S. Michigan, Suite 1900  
Chicago, IL 60603

EMAIL ADDRESS

jgroff@laboradvocates.com

TELEPHONE NUMBER

(312) 372-1361

**From:** [Josiah Groff](#)  
**To:** [Mols, Christina](#)  
**Cc:** (b) (6), (b) (7)(C), (b) (7)(D)  
**Subject:** Re: RMC Loop Telephone Affidavit  
**Date:** Wednesday, September 2, 2020 2:15:38 PM

---

Dear Christina,

(b) (6), (b) (7)(C), (b) (7)(D) and I met today to finalize the affidavit. I just uploaded it. I also uploaded (b) (6), 2019 and 2020 payroll records, which substantiate what (b) (6) was saying about no hours since (b) (6), (b) (7)(C), (b) (7)(D). As you can see, the payroll report is through (b) (6), (b) (7)(C)/20, but shows no work after (b) (6), (b) (7)(C), (b) (7)(D).

I think that's all we have to provide. If there's anything else you'd like, please let me know. Otherwise, we will await the Region's determination.

Yours truly,

JOSIAH A. GROFF

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

8 South Michigan Avenue | 19th Floor | Chicago, IL 60603

Phone 312.372.1361 | Fax 312.372.6599

On Tue, Sep 1, 2020 at 11:54 AM Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)> wrote:

Hello (b) (6), (b) (7)(C), (b) (7)(D),

As we discussed in our phone conversation, I have attached the affidavit which I have drafted for charge 13-CA-264775. I have also attached a copy of the prior affidavit which you provided in (b) (6), (b) (7)(C), (b) (7)(D).

Please review the letter which I have attached with instructions on reviewing your affidavit. If, after reviewing, you have any questions, please contact me at 312-353-7608.

Best regards,

Christina Mols



they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich ([office@laboradvocates.com](mailto:office@laboradvocates.com)). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich accepts no liability for any damage caused by any virus transmitted by this email.



DATE: (b) (6), (b) (7)(C) 20  
TIME: 13:05:55

RESTAURANT MANAGEMENT CORP  
Individual Employee Wage History  
Employee No: (b) (6), (b) (7)(C)

History (b) (6), (b) (7)(C) /2019 thru (b) (6), (b) (7)(C) /2019 Page: 2

Soc Sec No: (b) (6), (b) (7)(C)

**** Check ****			***** Pay Information *****				***** Deduction Information *****			
No.	Date	Ending	Pay Desc.	Hours	Rate	Amount	Deduction	Rate	Amount	Net Check
					Gross Pay:	(b) (6), (b) (7)(C)		Deductions:	(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	19	Company: RMC LOOP ENTERPRISES, LLC Hourly Reg Hourly Rg2	19	(b) (6), (b) (7)(C)	FICA			(b) (6), (b) (7)(C)	
					Gross Pay:	(b) (6), (b) (7)(C)		Deductions:	(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	19	Company: RMC LOOP ENTERPRISES, LLC Hourly Reg Hourly Rg2	19	(b) (6), (b) (7)(C)	FICA			(b) (6), (b) (7)(C)	
					Gross Pay:	(b) (6), (b) (7)(C)		Deductions:	(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	19	Company: RMC LOOP ENTERPRISES, LLC Hourly Reg Hourly Rg2	19	(b) (6), (b) (7)(C)	FICA State W/H			(b) (6), (b) (7)(C)	
					Gross Pay:	(b) (6), (b) (7)(C)		Deductions:	(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	19	Company: RMC LOOP ENTERPRISES, LLC Hourly Rg2 RATE 2	19	(b) (6), (b) (7)(C)	FICA State W/H			(b) (6), (b) (7)(C)	
					Gross Pay:	(b) (6), (b) (7)(C)		Deductions:	(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	19	Company: RMC LOOP ENTERPRISES, LLC Hourly Reg Hourly Rg2	19	(b) (6), (b) (7)(C)	FICA State W/H			(b) (6), (b) (7)(C)	
					Gross Pay:	(b) (6), (b) (7)(C)		Deductions:	(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	19	Company: RMC LOOP ENTERPRISES, LLC Hourly Reg Hourly Rg2	19	(b) (6), (b) (7)(C)	FICA State W/H			(b) (6), (b) (7)(C)	
					Gross Pay:	(b) (6), (b) (7)(C)		Deductions:	(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	19	Company: RMC LOOP ENTERPRISES, LLC Hourly Reg Hourly Rg2	19	(b) (6), (b) (7)(C)	FICA State W/H			(b) (6), (b) (7)(C)	
					Gross Pay:	(b) (6), (b) (7)(C)		Deductions:	(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	19	Company: RMC LOOP ENTERPRISES, LLC Hourly Reg Hourly Rg2	19	(b) (6), (b) (7)(C)	FICA State W/H			(b) (6), (b) (7)(C)	
					Gross Pay:	(b) (6), (b) (7)(C)		Deductions:	(b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	19	Company: RMC LOOP ENTERPRISES, LLC Hourly Reg Hourly Rg2	19	(b) (6), (b) (7)(C)	FICA State W/H			(b) (6), (b) (7)(C)	







TIME: 13:06:18

## Individual Employee Wage History

Employee No: (b) (6), (b) (7)(C)

Soc Sec No: [REDACTED]

(b) (6), (b) (7)(C)

**** Check ****			***** Pay Information *****				***** Deduction Information *****			
No.	Date	Period	Pay Desc.	Hours	Rate	Amount	Deduction	Rate	Amount	Net Check
(b) (6), (b) (7)(C)	20	19	Hourly Reg	(b) (6), (b) (7)(C)			FICA		(b) (6), (b) (7)(C)	
			Hourly Rg2							
			Gross Pay:				(b) (6), (b) (7)(C)	Deductions:	(b) (6), (b) (7)(C)	
			Company: RMC LOOP ENTERPRISES, LLC							
(b) (6), (b) (7)(C)	20	20	Hourly Reg	(b) (6), (b) (7)(C)			FICA			
			Hourly Rg2							
			Gross Pay:				(b) (6), (b) (7)(C)	Deductions:	(b) (6), (b) (7)(C)	
			Company: RMC LOOP ENTERPRISES, LLC							
(b) (6), (b) (7)(C)	20	20	Hourly Reg	(b) (6), (b) (7)(C)			FICA		(b) (6), (b) (7)(C)	
			Hourly Rg2							
			Gross Pay:				(b) (6), (b) (7)(C)	Deductions:	(b) (6), (b) (7)(C)	
			Company: RMC LOOP ENTERPRISES, LLC							
(b) (6), (b) (7)(C)	20	20	Hourly Reg	(b) (6), (b) (7)(C)			FICA		(b) (6), (b) (7)(C)	
			Hourly Rg2							
			Gross Pay:				(b) (6), (b) (7)(C)	Deductions:	(b) (6), (b) (7)(C)	
			Company: RMC LOOP ENTERPRISES, LLC							
(b) (6), (b) (7)(C)	20	20	Hourly Reg	(b) (6), (b) (7)(C)			FICA		(b) (6), (b) (7)(C)	
			Hourly Rg2							
			Gross Pay:				(b) (6), (b) (7)(C)	Deductions:	(b) (6), (b) (7)(C)	
			Company: RMC LOOP ENTERPRISES, LLC							
(b) (6), (b) (7)(C)	20	20	Hourly Reg	(b) (6), (b) (7)(C)			FICA		(b) (6), (b) (7)(C)	
			Hourly Rg2							
			Gross Pay:				(b) (6), (b) (7)(C)	Deductions:	(b) (6), (b) (7)(C)	
			Company: RMC LOOP ENTERPRISES, LLC							
(b) (6), (b) (7)(C)	20	20	Sick Hrlly	(b) (6), (b) (7)(C)			FICA		(b) (6), (b) (7)(C)	
							State W/H			
			Gross Pay:				(b) (6), (b) (7)(C)	Deductions:	(b) (6), (b) (7)(C)	

Company: RMC LOOP ENTERPRISES, LLC

Total Gross	Non-Tax Gr	Federal Gr	Fed. W/H	FICA W/H	State W/H	County W/H	City W/H	Hours
-------------	------------	------------	----------	----------	-----------	------------	----------	-------

### Monthly Summary

(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
TOT	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)

DATE: (b) (6), (b) (7)(C) /20

RESTAURANT MANAGEMENT CORP

History (b) (6), (b) (7)(C) /2020 thru (b) (6), (b) (7)(C) /2020

Page: 2

TIME: 13:06:18

Individual Employee Wage History

(b) (6), (b) (7)(C)

Employee No: (b) (6), (b) (7)(C)

Soc Sec No: (b) (6), (b) (7)(C)

Total Gross	Non-Tax Gr	Federal Gr	Fed. W/H	FICA W/H	State W/H	County W/H	City W/H	Hours
-------------	------------	------------	----------	----------	-----------	------------	----------	-------

State Summary

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Pay/Deduction Code Summary

\*\*\*\*\* Pay Information \*\*\*\*\*

Pay Desc.  
Hourly Reg  
Hourly Rg2  
Sick Hrly

Hours  
(b) (6), (b) (7)(C)

Amount  
(b) (6), (b) (7)(C)

Gross Pay:

(b) (6), (b) (7)(C)

\*\*\*\*\* Deduction Information \*\*\*\*\*

Deduction  
FICA  
State W/H

Amount  
(b) (6), (b) (7)(C)

Deductions:

(b) (6), (b) (7)(C)

Net Check

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) /20

RESTAURANT MANAGEMENT CORP

History (b) (6), (b) (7)(C) /2019 thru (b) (6), (b) (7)(C) /2019

Page: 4

TIME: 13:05:55

Individual Employee Wage History

(b) (6), (b) (7)(C)

Employee No: (b) (6), (b) (7)(C)

Soc Sec No: (b) (6), (b) (7)(C)

Total Gross	Non-Tax Gr	Federal Gr	Fed. W/H	FICA W/H	State W/H	County W/H	City W/H	Hours
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
TOT	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)

State Summary

(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
---------------------	---------------------	---------------------	---------------------	---------------------	---------------------

Pay/Deduction Code Summary

\*\*\*\*\* Pay Information \*\*\*\*\*

Pay Desc. Hours  
Hourly Reg (b) (6), (b) (7)(C)  
Hourly Rg2  
RATE 2

Gross Pay:

\*\*\*\*\* Deduction Information \*\*\*\*\*

Deduction  
FICA  
State W/H

Deductions:

Amount  
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Net Check

(b) (6), (b) (7)(C)

**From:** [Hofstra, Joyce A.](#)  
**To:** [Mols, Christina](#)  
**Subject:** RE: RMC Loop Enterprises, LLC 13-CA-264775 Recommended Dismissal  
**Date:** Tuesday, September 29, 2020 3:13:39 PM

(b) (5)

**From:** Mols, Christina <Christina.Mols@nrlb.gov>  
**Sent:** Tuesday, September 29, 2020 11:34 AM  
**To:** Hofstra, Joyce A. <Joyce.Hofstra@nrlb.gov>  
**Subject:** RMC Loop Enterprises, LLC 13-CA-264775 Recommended Dismissal

I am recommending that the Region dismiss the charge filed by SEIU against RMC Loop Enterprises 13-CA-264775. (b) (5)

The charge alleges that RMC reduced the hours of (b) (6), (b) (7)(C) in retaliation for (b) (6) union activities and protected concerted activities (b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

Given the above, (b) (6), (b) (7)(C) the Region should



dismiss, absent withdrawal.

**From:** [Ohr, Peter S.](#)  
**To:** [Muth, Jessica T.](#); [Hofstra, Joyce A.](#); [Mols, Christina](#)  
**Subject:** RE: O/M Agenda AM#2 - RMC Loop Enterprises, LLC d/b/a McDonald's and McDonald's USA, LLC, as joint employers 13-CA-264775  
**Date:** Wednesday, September 30, 2020 4:42:17 PM

---

(b) (5) please inform the parties that the case will be sent to the coordinating Region for final determination.

-----  
**Peter Sung Ohr, Regional Director**

NLRB Chicago-Region 13  
219 S. Dearborn St, 808  
Chicago, IL 60604  
(312) 353-7574  
<https://www.nlr.gov/region/chicago>  
<https://www.facebook.com/NLRBChicago/?ref=bookmarks>

---

**From:** Muth, Jessica T. <[Jessica.Muth@nlrb.gov](mailto:Jessica.Muth@nlrb.gov)>  
**Sent:** Wednesday, September 30, 2020 3:28 PM  
**To:** Hofstra, Joyce A. <[Joyce.Hofstra@nlrb.gov](mailto:Joyce.Hofstra@nlrb.gov)>; Ohr, Peter S. <[Peter.Ohr@nlrb.gov](mailto:Peter.Ohr@nlrb.gov)>; Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)>  
**Subject:** RE: O/M Agenda AM#2 - RMC Loop Enterprises, LLC d/b/a McDonald's and McDonald's USA, LLC, as joint employers 13-CA-264775

No objection here

---

**From:** Hofstra, Joyce A. <[Joyce.Hofstra@nlrb.gov](mailto:Joyce.Hofstra@nlrb.gov)>  
**Sent:** Wednesday, September 30, 2020 3:27 PM  
**To:** Ohr, Peter S. <[Peter.Ohr@nlrb.gov](mailto:Peter.Ohr@nlrb.gov)>; Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)>; Muth, Jessica T. <[Jessica.Muth@nlrb.gov](mailto:Jessica.Muth@nlrb.gov)>  
**Subject:** RE: O/M Agenda AM#2 - RMC Loop Enterprises, LLC d/b/a McDonald's and McDonald's USA, LLC, as joint employers 13-CA-264775

I'm fine with canceling the agenda.

---

**From:** Ohr, Peter S. <[Peter.Ohr@nlrb.gov](mailto:Peter.Ohr@nlrb.gov)>  
**Sent:** Wednesday, September 30, 2020 3:24 PM  
**To:** Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)>; Muth, Jessica T. <[Jessica.Muth@nlrb.gov](mailto:Jessica.Muth@nlrb.gov)>; Hofstra, Joyce A. <[Joyce.Hofstra@nlrb.gov](mailto:Joyce.Hofstra@nlrb.gov)>  
**Subject:** RE: O/M Agenda AM#2 - RMC Loop Enterprises, LLC d/b/a McDonald's and McDonald's USA, LLC, as joint employers 13-CA-264775

Given the investigation, I am comfortable with recommendation to dismiss unless others want to meet. Otherwise, I will remove the agenda from the calendar.

(b) (5)

Peter

---

**Peter Sung Ohr, Regional Director**

NLRB Chicago-Region 13

219 S. Dearborn St, 808

Chicago, IL 60604

(312) 353-7574

<https://www.nlr.gov/region/chicago>

<https://www.facebook.com/NLRBChicago/?ref=bookmarks>

---

**From:** Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)>

**Sent:** Wednesday, September 30, 2020 1:48 PM

**To:** Ohr, Peter S. <[Peter.Ohr@nlrb.gov](mailto:Peter.Ohr@nlrb.gov)>; Muth, Jessica T. <[Jessica.Muth@nlrb.gov](mailto:Jessica.Muth@nlrb.gov)>; Hofstra, Joyce A. <[Joyce.Hofstra@nlrb.gov](mailto:Joyce.Hofstra@nlrb.gov)>

**Subject:** RE: O/M Agenda AM#2 - RMC Loop Enterprises, LLC d/b/a McDonald's and McDonald's USA, LLC, as joint employers 13-CA-264775

(b) (5)

---

**From:** Ohr, Peter S. <[Peter.Ohr@nlrb.gov](mailto:Peter.Ohr@nlrb.gov)>

**Sent:** Wednesday, September 30, 2020 1:46 PM

**To:** Muth, Jessica T. <[Jessica.Muth@nlrb.gov](mailto:Jessica.Muth@nlrb.gov)>; Mols, Christina <[Christina.Mols@nlrb.gov](mailto:Christina.Mols@nlrb.gov)>; Hofstra, Joyce A. <[Joyce.Hofstra@nlrb.gov](mailto:Joyce.Hofstra@nlrb.gov)>

**Subject:** RE: O/M Agenda AM#2 - RMC Loop Enterprises, LLC d/b/a McDonald's and McDonald's USA, LLC, as joint employers 13-CA-264775

I can't seem to find the FIR in NxGen. Can someone send me the link?

---

**Peter Sung Ohr, Regional Director**

NLRB Chicago-Region 13

219 S. Dearborn St, 808

Chicago, IL 60604

(312) 353-7574

<https://www.nlr.gov/region/chicago>

<https://www.facebook.com/NLRBChicago/?ref=bookmarks>

-----Original Appointment-----

**From:** Gavina-Arriola, Maria E. **On Behalf Of** Ohr, Peter S.

**Sent:** Tuesday, September 29, 2020 2:40 PM

**To:** Ohr, Peter S.; Muth, Jessica T.; Mols, Christina; Hofstra, Joyce A.

**Cc:** Nelson, Daniel N.; SC-R13 Agenda

**Subject:** O/M Agenda AM#2 - RMC Loop Enterprises, LLC d/b/a McDonald's and McDonald's USA, LLC, as joint employers 13-CA-264775

**When:** Thursday, October 1, 2020 9:30 AM-10:00 AM (UTC-06:00) Central Time (US & Canada).

**Where:** Skype Meeting

*\*Dan is recused.*

10(j): No

Duration: (b) (5)

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Join by phone

Toll number: (b) (6), (b) (7)(C) (Dial-in Number)

English (United States)

[Find a local number](#)

Conference ID: (b) (6), (b) (7)(C)

[Forgot your dial-in PIN?](#) | [Help](#)

-----

**From:** [Muth, Jessica T.](#)  
**To:** [Cahn, Stephanie](#)  
**Cc:** [Ohr, Peter S.](#); [Hofstra, Joyce A.](#); [Mols, Christina](#)  
**Subject:** Re: Summary for R- 21: RMC Loop Enterprises LLC dba McDonald's and McDonald's USA, Joint Employers 13-CA-264775  
**Date:** Wednesday, September 30, 2020 6:33:48 PM

---

Thanks for your quick turnaround.

Get [Outlook for iOS](#)

---

**From:** Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>  
**Sent:** Wednesday, September 30, 2020 5:31:44 PM  
**To:** Muth, Jessica T. <Jessica.Muth@nlrb.gov>  
**Subject:** RE: Summary for R- 21: RMC Loop Enterprises LLC dba McDonald's and McDonald's USA, Joint Employers 13-CA-264775

You may proceed with your determinations. Thanks

---

**From:** Muth, Jessica T. <Jessica.Muth@nlrb.gov>  
**Sent:** Wednesday, September 30, 2020 2:12 PM  
**To:** Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>  
**Cc:** Ohr, Peter S. <Peter.Ohr@nlrb.gov>; Nelson, Daniel N. <Daniel.Nelson@nlrb.gov>; Hitterman, Paul <Paul.Hitterman@nlrb.gov>; Hofstra, Joyce A. <Joyce.Hofstra@nlrb.gov>; Mols, Christina <Christina.Mols@nlrb.gov>  
**Subject:** Summary for R- 21: RMC Loop Enterprises LLC dba McDonald's and McDonald's USA, Joint Employers 13-CA-264775

Region 13 recommends dismissing this case, absent withdrawal (links to decisional documents below). The charge, filed by by SEIU National Fast Food Workers Union alleges that RMC reduced the hours of (b) (6), (b) (7)(C) in retaliation for (b) (6) union and protected concerted activities. (b) (5), (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5)

Jessica Willis Muth  
Deputy Regional Attorney  
Region 13, NLRB  
Dirksen Federal Building  
219 S. Dearborn, Ste. 808  
Chicago, IL 60604



(312) 353-7643 – Office  
(202) 215-6094 – Mobile

Please note the NLRB now requires electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website.

**MEMORANDUM**

TO: File DATE: October 2, 2020

RE: RMC Loop Enterprises, LLC d/b/a McDonald's and McDonald's USA, LLC, as joint employers.  
Case 13-CA-264775

FROM: Christina Mols, FIELD EXAMINER

**CONVERSATIONS WITH JOSIAH GROFF**

I called Groff on October 1, 2020 and informed him of the Regional determination. (b) (5)

[REDACTED]

[REDACTED]

Groff called on October 2, 2020 and stated that the Charging Party would like to take a dismissal letter.

Agent: Field Examiner Christina Mols

## CASEHANDLING LOG

[illegible]



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341

October 5, 2020

***Via email unless otherwise indicated***

Josiah A Groff, Attorney  
Dowd, Bloch, Bennett, Cervone, Auerbach,  
& Yokich  
8 South Michigan Avenue, 19th Floor  
Chicago, IL 60603  
[jgroff@laboradvocates.com](mailto:jgroff@laboradvocates.com)

Re: RMC Loop Enterprises, LLC d/b/a  
McDonald's and McDonald's USA, LLC,  
as joint employers.  
Case 13-CA-264775

Dear Mr. Groff:

We have carefully investigated and considered your charge that RMC Loop Enterprises, LLC d/b/a McDonald's and McDonald's USA, LLC have violated the National Labor Relations Act.

**Decision to Dismiss:** You have alleged that RMC Loop Enterprises, LLC d/b/a McDonald's and McDonald's USA, LLC as joint employers has violated Section 8(a)(1) and (3) of the Act by reducing the hours of (b) (6), (b) (7)(C) in order to discourage (b) (6) union activities and/or (b) (6) protected concerted activities. The evidence was insufficient to establish that the Employer engaged in the unlawful activity alleged or otherwise violated the Act.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlrb.gov](http://www.nlrb.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlrb.gov](http://www.nlrb.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:e-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the

RMC Loop Enterprises, LLC d/b/a  
McDonald's and McDonald's USA, LLC, as  
joint employers.  
Case 13-CA-264775

- 2 -

**National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001.** Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **October 19, 2020**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than October 18, 2020. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 19, 2020**. The request may be filed electronically through the ***E-File Documents*** link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 19, 2020, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

**/s/ Peter Sung Ohr**

Peter Sung Ohr  
Regional Director

Enclosure



RMC Loop Enterprises, LLC d/b/a  
McDonald's and McDonald's USA, LLC, as  
joint employers.  
Case 13-CA-264775

- 3 -

cc: (b) (6), (b) (7)(C)  
RMC Loop Enterprises, LLC d/b/a  
McDonald's  
23 South Clark Street  
Chicago, IL 60603  
*(Via first class mail)*

Angela Y. Lam, Attorney  
1200 Shermer Road, Suite 425  
Northbrook, IL 60062  
[alam@lapointelaw.com](mailto:alam@lapointelaw.com)

(b) (6), (b) (7)(C)  
McDonald's USA  
110 North Carpenter Street  
Chicago, IL 60607  
*(Via first class mail)*

Justin D. Martin, Attorney  
250 Vesey Street  
New York, NY 10281  
[jmartin@jonesday.com](mailto:jmartin@jonesday.com)

SEIU National Fast Food Workers Union  
850 West Jackson Street, Suite 275  
Chicago, IL 60607  
*(Via first class mail)*

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

---

Case Name(s).

---

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

---

*(Signature)*

## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.